

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

----- X  
LAURENCE F. DOUD III, :

Plaintiff, :

-v.- :

ROCHESTER DRUG CO-OPERATIVE, INC. :  
AND JOSEPH BRENNAN, :

Defendants. :

----- X  
ROCHESTER DRUG CO-OPERATIVE, INC. :

Counterclaim Plaintiff, :

-v.- :

LAURENCE F. DOUD III, :

Counterclaim Defendant, :

----- X  
LAURENCE F. DOUD III, :

Third-Party Plaintiff, :

-v.- :

THE BOARD OF DIRECTORS OF :  
ROCHESTER DRUG CO-OPERATIVE, INC. :

and :

DONALD ARTHUR, CHRISTOPHER CASEY, :  
STEPHEN GIROUX, RICHARD KLENK, :  
SHERWOOD KLEIN, JOE LECH, :  
BORIS MANTELL, SCOTT MISKOVSKY, :  
GARRY MROZEK, AND PAUL PAGNOTTA, in :  
their individual capacities and as members the :  
BOARD OF DIRECTORS OF ROCHESTER :  
DRUG CO-OPERATIVE, INC., :

Third-Party Defendants. :

----- X

6:18-cv-06557-FPG

**STIPULATION OF DISMISSAL**

Plaintiff/Third-Party Plaintiff/Counterclaim Defendant Laurence F. Doud III (“Mr. Doud” or “Third-Party Plaintiff”), by and through his undersigned counsel, and Third-Party Defendant the Board of Directors of Rochester Drug Co-Operative, Inc. (the “RDC Board of Directors” or “Third-Party Defendant”), by and through its undersigned counsel, hereby stipulate that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), this action is dismissed with prejudice as to the RDC Board of Directors.

For the avoidance of doubt, this stipulation is not intended to dismiss this action as against the members of the RDC Board of Directors being sued in their individual capacities and as members of the RDC Board of Directors.

*[Remainder of page intentionally left blank.]*

GOTTLIEB & JANEY LLP

By: /s/ Derrelle M. Janey  
Derrelle M. Janey

Dated: 1/22/2019

111 Broadway, Suite 701  
New York, New York 10006  
Tel.: (212) 566-7766  
Fax: (212) 374-1506  
Email: djaney@gottliebjaney.com

*Counsel for Plaintiff, Counterclaim Defendant  
and Third-Party Plaintiff Laurence F. Doud III*

HARTER SECREST & EMERY LLP

By: /s/ Brian M. Feldman  
Brian M. Feldman

Dated: 1/22/2019

1600 Bausch & Lomb Place  
Rochester, NY 14604-2711  
Tel.: (585) 231-1201  
Fax: (585) 232-2152  
Email: bfeldman@hselaw.com

*Counsel for Third-Party Defendant Board of  
Directors of Rochester Drug Co-Operative, Inc., and  
Defendant and Counterclaim Plaintiff Rochester Drug Co-Operative, Inc.*

ROTHENBERG LAW

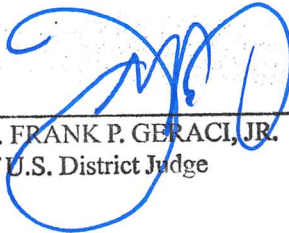
By: /s/ David Rothenberg  
David Rothenberg

Dated: 1/22/2019

45 Exchange Boulevard, Suite 800  
Rochester, New York 14614  
Tel.: (585) 232-1946  
Fax: (585) 232-4746  
Email: david@rothenberglawyers.com

*Counsel for Individual Third-Party Defendants,  
and Defendant Joseph Brennan*

SO ORDERED THIS 22<sup>nd</sup> DAY OF Feb 20 19

  
\_\_\_\_\_  
HON. FRANK P. GERACI, JR.  
Chief U.S. District Judge